

Remarks:

These remarks are responsive to the Office action dated April 11, 2005.

Prior to entry of the present Amendment, claims 1-51 remained pending in the present application. Claims 18-34 and 47-51 were withdrawn from further consideration pursuant to an earlier restriction requirement (and are now cancelled without prejudice). Claims 1-17 and 35-46 thus are considered in the present Office action.

In view of the foregoing amendments and the following remarks, applicants respectfully request reconsideration of the application under 37 C.F.R. §1.111 and allowance of all pending claims.

Claim Objections

First considering formal matters, applicants note that the Examiner has objected to claim 1, indicating that the phrase "substantially stationary light bands" renders the claim indefinite. Applicants respectfully disagree, noting the discussion of such "substantially stationary light bands" in the specification (page 6, lines 3-6), with reference to Figs. 4 and 5. Nevertheless, in the interest of furthering prosecution on the merits, applicants have removed the phrase "substantially stationary" from claim 1, thus addressing the Examiner's objection to claim 1.

The Examiner also has objected to the phrase "imaging elements" in claim 5 as having insufficient antecedent basis. Applicants have amended claim 5 to replace "imaging elements" with "modulating elements" (for which proper antecedent basis exists. The Examiner's objection to claim 5 thus is overcome.

Allowable Subject Matter

Turning now to the merits, applicants note with appreciation that the Examiner has indicated allowability of claims 8-12, 16 and 41-45 if such claims are rewritten in independent form.

Pursuant to the Examiner's indication of allowable subject, applicants have amended independent claim 1 (from which original claim 8 depends via original claim 6) to incorporate the subject matter of claims 6 and 8 (which have been cancelled without prejudice). Inasmuch as claim 8 was indicated to include allowable subject matter, amended claim 1 is understood to be in allowable form. Claims 2-5 and 7 depend from amended claim 1, and thus are allowable for at least the same reasons as claim 1.

Claim 9 has been rewritten in independent form, incorporating the subject matter of claim 1 (from which original claim 9 depends). Inasmuch as original claim 9 was indicated to be allowable if rewritten in independent form, amended claim 9 is understood to be in allowable form. Claims 10-12 depend from claim 9, and thus are allowable for at least the same reasons as claim 9.

Independent claim 13 (from which original claim 16 depends via original claim 15) has been amended to incorporate the subject matter of claims 15 and 16 (which have been cancelled without prejudice). Since original claim 16 was indicated to include allowable subject matter, amended claim 13 is understood to now be in allowable form. Claim 14 depends from claim 13, and thus is allowable for at least the same reasons as claim 13.

Independent claim 38 (from which original claim 41 depends) has been amended to incorporate the subject matter of claim 41 (which has been cancelled without prejudice). Since claim 41 was indicated to include allowable subject matter, amended claim 38 is understood to now be in allowable form. Claims 39 and 40 depend from claim 38, and thus is allowable for at least the same reasons as claim 38.

Claim 42 has been rewritten in independent form, incorporating the subject matter of claim 38 (from which original claim 42 depends). Inasmuch as original claim 42 was indicated to be allowable if rewritten in independent form, amended claim 42 is understood to now be in allowable form. Claims 43-45 depend from claim 42, and thus are allowable for at least the same reasons as claim 42.

Claim Rejections

Claims 1-16 and 35-45 were rejected under 35 U.S.C. § 102(e) as being anticipated by Kiser et al. (US 2003/00228154 A1). Based on the Examiner's discussion of the rejection, and the indication of allowable subject matter, it is understood that the Examiner had intended to reject claims 1-7, 13-15, 17, 35-40 and 46. Applicants respectfully traverse the rejection.

Nevertheless, in the interest of furthering prosecution of the present application, applicants have amended independent claims 1, 13 and 38 to include dependent claims indicated to be allowable if rewritten in independent form (as set forth above). Dependent claims 2-5, 7, 14, 39 and 40 depend from the amended independent claims. The remaining rejected claims, claims 6, 15, 17 and 35-37 have been cancelled without prejudice.

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Conclusion

Applicants believe that this application is now in condition for allowance, in view of the above amendments and remarks. Accordingly, applicants respectfully request that the Examiner issue a Notice of Allowability covering the pending claims. If the Examiner has any questions, or if a telephone interview would in any way advance prosecution of the application, please contact the undersigned attorney of record.

Respectfully submitted,

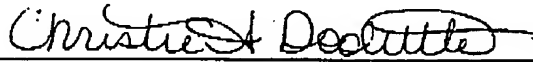
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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to Examiner M. Cruz, Group Art Unit 2851, Assistant Commissioner for Patents, at facsimile number (703) 872-9306 on June 30, 2005.



Christie A. Doolittle

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